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10 Attorneys for Plaintiff U2 HOME ENTERTAINMENT, INC.,
11 a California Corporation doing business as NEW IMAGE AUDIO
12 & VIDEO, CENTURY HOME ENTERTAINMENT and
13 TAI SENG ENTERTAINMENT

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 U2 HOME ENTERTAINMENT, INC., a
18 California Corporation doing business as NEW
19 IMAGE AUDIO & VIDEO, CENTURY HOME
20 ENTERTAINMENT and TAI SENG
21 ENTERTAINMENT

22 Case No.: C05-3196 CRB

23 [PROPOSED] ORDER FOLLOWING HEARING
24 ON ORDER TO SHOW CAUSE RE
25 PRELIMINARY INJUNCTION AND ORDER TO
26 SHOW CAUSE RE: SEIZURE ORDER

27 Plaintiff,

28 v.

29 THANH VIDEO, business entity form unknown,
30 CHIEU NHI VIDEO & PURE WATER, a
31 business entity form unknown, TRU HUY
32 NGUYEN, an individual and doing business as
33 CHIEU NHI VIDEO & PURE WATER, DIEM
34 CHAU VIDEO, a business entity form unknown,
35 LAM KHAC CU, individually and doing business
36 as DIEM CHAU VIDEO, THUAN TRAN,
37 individually and doing business AS DIEM CHAU
38 VIDEO, and DOES 1 to 200, inclusive,

39 Defendants.

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41 The above matter came on for hearing on September 8, 2005, at 9:00 a.m. before the Honorable
42 Judge Charles Breyer pursuant to the Amended Temporary Restraining Order, Seizure Order And Order
43 To Show Cause Re: Preliminary Injunction (the "Order to Show Cause") issued by the Honorable Judge
44 Charles Breyer on August 15, 2005.

1 Pursuant to the Order to Show Cause, U2 HOME ENTERTAINMENT, INC., a California
2 Corporation doing business as NEW IMAGE AUDIO & VIDEO, CENTURY HOME
3 ENTERTAINMENT and TAI SENG ENTERTAINMENT ("Plaintiff" or "U2") has requested that the
4 Court issue a preliminary injunction.
5

6 The Court having determined that, as to all of the Defendants who are the subject of this Order,
7 the said Defendants have been properly served with process in the above-action, and the Court having
8 determined that the Plaintiff has shown probable success on the merits and irreparable harm if this Order
9 does not issue, and good cause appearing therefore:

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS

11 During the pendency of this action, THANH VIDEO, business entity form unknown, CHIEU NHI
12 VIDEO & PURE WATER, a business entity form unknown, TRU HUY NGUYEN, an individual and
13 doing business as CHIEU NHI VIDEO & PURE WATER, DIEM CHAU VIDEO, a business entity
14 form unknown, LAM KHAC CU, individually and doing business as DIEM CHAU VIDEO, THUAN
15 TRAN, individually and doing business AS DIEM CHAU VIDEO, and all of their officers, agents,
16 servants, employees, attorneys and owners and those in active concert participation with them and any
17 other persons acting for, with, by, through or under them, and until further of this Court, are hereby
18 restrained and enjoined from the following:

- 19 (i.) Directly or indirectly infringing the copyrights of Plaintiff in any manner, and from
20 causing, contributing to, or participating in the unauthorized importation, duplication,
21 distribution or sale of Plaintiff's copyrighted programs, and from offering for rent or sale,
22 renting, selling, or otherwise distributing any unauthorized copies of Plaintiff's copyrighted
23 programs, including but not limited to the program titles listed on Exhibit "A" to the Verified
Complaint herein, which exhibit is hereby incorporated by reference;
24 (ii.) Shipping, delivering, holding for sale, distributing, returning, transferring, or otherwise
25 moving or disposing of in any manner videotapes, VCDs, DVDs, laser discs, or other infringing
items containing Plaintiff's copyrighted programs, or any reproduction, counterfeit, copy, or
colorable imitation of the same;
26 (iii.) Shipping, delivering, holding for sale, distributing, returning, transferring, or otherwise
27 moving or disposing of in any manner any and all boxes, labels, or other merchandise and items,
including, but not limited to, recording and duplicating equipment, used in the manufacture
28 and/or distribution of such infringing merchandise; and

(iv.) Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (iii); and

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that

Defendants are required to deliver forthwith any and all such infringing merchandise in their possession, custody or control for impoundment.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that The Court confirms the seizures made on August 18, 2005, pursuant to this Court's Order and, during the pendency of this action, all articles seized shall remain in the custody of Plaintiff, or its counsel as substitute custodian, including all of the videocassette tapes, VCDs, DVDs, boxes, labels, and other infringing merchandise and other articles seized.

IT IS FURTHER HEREBY T IS HEREBY ORDERED, ADJUDGED AND DECREED that the bond, which has been filed by the Plaintiffs in the amount of Five Thousand Dollars (\$5,000.00), shall remain the bond on this Preliminary Injunction.

Date: Sept. 08, 2005

The Honorable Judge Charles Breyer

Respectfully submitted by:

Dated: September 7, 2005

IDELL, BERMAN, SEITEL & RUTCHIK, LLP

Richard J. Idell

Patricia De Fonte

Attorneys for Plaintiff U2 HOME

ENTERTAINMENT, INC., a California Corporation doing business as NEW IMAGE AUDIO & VIDEO, CENTURY HOME ENTERTAINMENT and TAI SENG ENTERTAINMENT